

**AUCTIONEER BOARD MEETING
MINUTES
JULY 27, 2004**

PRESENT: Jay Clarke (via telephone), Alan Hager, Richard Lust, Patrick McNamara, Mark Shain (via telephone), Marie Skic, and Carl Theorin

STAFF PRESENT: Jerry Lowrie, Bureau Director, Ruby Jefferson-Moore, Legal Counsel, Pat Schenck, Program Assistant, and Division of Enforcement Staff.

GUESTS: Maxine O'Brien, Wisconsin Auctioneer Institute (WAI)

CALL TO ORDER

Richard Lust, Chair, called the meeting to order at 9:17 a.m. A quorum of seven members was present.

The Board requested that the telephone conference equipment be set-up for every Auctioneer Board meeting and requests that they receive their agenda packet no later than seven days prior to the meeting.

AGENDA

MOTION: Marie Skic moved, seconded by Alan Hager, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES APRIL 27, 2004

MOTION: Alan Hager moved, seconded by Mark Shain, to approve the minutes of April 27, 2004 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT
JERRY LOWRIE, BUREAU DIRECTOR
BOARD ROSTER**

Alan Hager – Change mailing address to: 7798 Pagel Lane.
Patrick J. McNamara – Change mailing address to: 1001 S. Madison St., Lancaster 53813.
Jay Clarke, Clarke & Associates, add the letter e in Clarke

Steven Gloe met with the Board to discuss the Open Meetings record law. The Board discussed the Board's concerns regarding the Department's policies and procedures.

2004 MEETING DATES

The next Board meeting is October 26, 2004.

The Board expressed disappointment when not consulted prior to the Department changing the Board's meeting dates from a Monday to a Tuesday. Mr. Lowrie explained that the new contract with the building owner does not allow the Department to have access to the Board meeting rooms on Mondays or Fridays. Staff can only schedule meetings on Tuesday, Wednesday or Thursdays.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

TRAVEL NATIONAL CONVENTION- NAA'S 55TH ANNUAL INTERNATIONAL AUCTIONEERS CONFERENCE AND SHOW JULY 12-17, AT THE MONONA TERRACE CONVENTION CENTER IN MADISON, WI - REPORT

Mr. Lust, Jerry Lowrie and Patrick McNamara attended the National NAA's 55th Annual International Auctioneers Conference and Show on July 12-17, 2004 at the Monona Terrace Convention Center in Madison, WI. The convention was an overall success. Carl Theorin placed in the top 15 of the national bid calling championship contest. Carl is also the 2003 Wisconsin champion.

Representatives from Florida, Louisiana, Mississippi, Kentucky, Arkansas, North Carolina and Wisconsin were present.

Mr. Lust distributed copies of jurisdictions that have reciprocal agreements with Wisconsin and reported that Wisconsin does not reciprocate with Indiana, Rhode Island and Ohio. Tennessee has dropped Wisconsin from their list when Wisconsin stopped requiring continuing education. Wisconsin only reciprocates with states that reciprocate back with Wisconsin.

Uniformity and continuing education and looking at cross over continuing education from state to state were topics of discussion. NALLOA sends out a report periodically with complaints and discipline actions to all members of NALLOA.

The other jurisdictions present reported that they were also having budget problems and had to make cutbacks.

**LEGISLATION AND ADMINISTRATIVE RULES
RL 128 RULE CHANGE – SCOPE STATEMENT
EDUCATION AND EXAMINATIONS
CONTINUING EDUCATION COURSES – DR. BARBARA SHOWERS
CONTINUING EDUCATION COURSE REQUIREMENTS DISCUSSION
SIGNED RECIPROCAL AGREEMENT WITH INDIANA**

The Board discussed changing the number of hours, course content, and mandatory courses based on the types of complaints received in the Department. The Board will advise the Secretary of a rule change specific to RL 128 education programs as the current rule is too specific and candidates would be repeating courses. The rule change will not affect continuing education requirements until biennium 2007-08.

Maxine O'Brien, WAI, joined the Board in the continuing education discussion and recommended that the Board keep the 12 hour continuing education requirement, include two mandatory course requirements and that the rest be elective courses. Ethics and real estate at auction being standard required courses. Ms. O'Brien expressed concern over the qualifications of course providers and suggested that Board members or Department staff monitor classroom instructors and course materials presented.

Mr. Lowrie reported on the neighboring jurisdictions rules on continuing education and the new rule making procedure.

Dr. Showers reported that the Council on Real Estate Curriculum and Examination approved content guidelines for the testout exam, course guidelines for schools, topics of courses for the continuing education curriculum and testout development.

The Board will discuss the specifics of hour and course changes at the October 26th meeting and would like a recommendation from Maxine O'Brien, WAI and Dr. Showers prior to advising the Secretary of a rule change.

TEST-OUT EXAM JULY 15, 2004 UPDATE

Darwin Tichenor reported that thirty-five candidates have taken the test out exam in the past six months. Thirty-three have passed.

The testout exam scheduled at the National NAA's 55th Annual International Auctioneers Conference and Show on July 12-17, 2004 at the Monona Terrace Convention Center in Madison, WI went very well. Thirteen out of thirteen passed the testout examination.

FORFEITURE GRID – DISCUSSION

The Board discussed using a forfeiture grid when screening cases and agreed that the forfeiture grid may not be appropriate for the Auctioneers, although the Board screeners

would like to have some uniformity when screening complaints. Mr. Temby discussed using past reports regarding discipline actions as a guide.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

None.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY THAT MAY BE SUBMITTED AFTER MAILING OF AGENDA

Lance A. Klug 02 AUC 015

NEW BUSINESS

The Board has requested that “review of banks acting as license auction clerks” be added to the October agenda.

VISITORS COMMENTS

None.

CLOSED SESSION

MOTION: Patrick McNamara moved, seconded by Jay Clarke, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, the Board intends to deliberate on stipulations, administrative warnings, case closings, and monitoring cases. Motion carried by a roll call vote: Richard Lust - yes; Marie Skic - yes; Jay Clarke - yes; and Carl Theorin – yes; and Patrick McNamara – yes; Alan Hager – yes; Richard Lust – yes; and Mark Shain - yes. Motion carried unanimously.

Open Session recessed at 11:23 a.m.

The Board deliberated on the Monitoring Report, the Case Status Report and Case Closings, Proposed Stipulations, and Proposed Administrative Warnings.

RECONVENE TO OPEN SESSION

MOTION: Patrick McNamara moved, seconded by Marie Skic, to reconvene into Open Session at 11:40 a.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED
SESSION, IF VOTING IS APPROPRIATE
MONITORING ISSUES**

None

**CASE CLOSINGS
01 AUC 030**

MOTION: Patrick McNamara moved, seconded by Carl Theorin, to close case **01 AUC 030** for prosecutorial discretion (P5). Richard Lust, Case Advisor. Motion carried unanimously.

02 AUC 017

MOTION: Marie Skic moved, seconded by Patrick McNamara, to close case **02 AUC 017** for prosecutorial discretion (P2). Carl Theorin, Case Advisor. Motion carried unanimously.

03 AUC 003

MOTION: Jaye Clarke moved, seconded by Alan Hager, to close case **03 AUC 003** for prosecutorial discretion (P2). Carl Theorin, Case Advisor. Motion carried unanimously.

**ADMINISTRATIVE WARNINGS
03 AUC 024**

MOTION: Carl Theorin moved, seconded by Patrick McNamara, to accept the administrative warning as written for case **03 AUC 024**. Mark Shain, Case Advisor. Richard Lust abstained and was not present during the discussion. Motion carried.

**STIPULATIONS
LANCE A. KLUG 02 AUC 015**

MOTION: Marie Skic moved, seconded by Alan Hager, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Lance A. Klug 02 AUC 015**. Motion carried unanimously

OTHER ITEMS AS DEFINED BY LAW

None.

ADJOURNMENT

MOTION: Jay Clarke moved, seconded by Carl Theorin, to adjourn the meeting at 11:45 a.m. Motion carried unanimously.

NEXT MEETING OCTOBER 26, 2004

Agenda Items:

- Auction company representatives - Require that they take continuing education under RL 128.
- Review of banks acting as auction clerks.
- RL rule change to RL 128 continuing education.